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Attorney for Plaintiffs

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA,
SOUTHERN DIVISION**

LISA LIBERI, et al.

Plaintiffs,

CIVIL ACTION NUMBER:

8:11-cv-00485-AG (AJW)

ORLY TAITZ et al

Defendants.

**DECLARATION OF PHILIP J.
BERG, ESQUIRE**

Date of Hearing: June 13, 2011
Time of Hearing: 10:00 a.m.
Location: Courtroom 10D

Declaration of Philip J. Berg, Esquire

I, Philip J. Berg, Esquire, am over the age of eighteen [18] and am a party to the within action. I have personal knowledge of the facts herein, and if called to do, I could and would competently testify. I am making this Declaration under the penalty of perjury of the Laws of the United States pursuant to 28 U.S.C. §1746.

1 District Courts, Middle and Eastern District of Pennsylvania; the Third
2 Circuit Court of Appeals; the Pennsylvania Supreme Court; and the U.S.
3 Supreme Court.
4

5 2. Plaintiffs were forced to file suit against Defendants, including Orly
6 Taitz and Defend our Freedoms Foundations, Inc. for their illegal
7 background checks, illegal access of Lisa Liberi and Lisa Ostella's credit
8 reports, and the publication of all their confidential primary identification
9 information. The publication of private data included but was not limited to
10 their full Social Security numbers; dates of birth; place of birth; mother's
11 maiden name; father's name; credit details; and other private data.
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13 3. Plaintiffs did not bring suit as a result of Taitz disclosure of a
14 "supposed" criminal record of Liberi. However, in Plaintiffs Complaint
15 there is a cause of action for Slander, Defamation and Libel as a result of
16 Defendants publication that Liberi had been convicted of crimes that she had
17 not been; Defendants false publication that Ostella had a criminal record;
18 that Liberi has a criminal history going back to the 1990's; that Liberi has a
19 pending criminal case against her; that Liberi and Ostella stole monies from
20 Taitz and her Foundation; that Liberi and Ostella "hacked" Taitz PayPal
21 account and website, and many other false accusations.
22

1 4. Taitz still to this date continues claiming Liberi is a “career forger”
2 and been convicted of forgery of documents and forgery, which is not true.
3 Liberi has never been convicted of forging documents or forgery of any
4 documents.

5 5. Plaintiffs have filed a Motion Seeking Leave to Amend their
6 Complaint. However, Plaintiffs are also Seeking to Amend their Complaint
7 in their Response in Opposition to Defendants Taitz and Defend our
8 Freedoms Anti-SLAPP Motion and Motion to Dismiss pursuant to Fed. R.
9 Civ. P. 12(b)(1) and 12(b)(6).

10 6. Further, Taitz has claimed she never filed a previous Anti-SLAPP
11 Motion and Plaintiffs have committed Fraud upon the Court by claiming she
12 had. The truth of the matter, as demonstrated by the Docket, Taitz filed an
13 Anti-SLAPP Motion almost identical to the one filed April 25, 2011, on
14 June 16, 2009, which appears as Docket Entry No. 61.

15 7. Further, Taitz claims that this Court lacks subject-matter jurisdiction
16 in that Liberi has not proven to her or provided her with her (Liberi’s)
17 Driver’s License. Liberi is not a citizen of the State of California and Taitz
18 has failed to address why she feels diversity is lacking. Diversity is proven
19 by the fact that none of the Plaintiffs reside in the same state as any of the
20 Defendants. None of the Plaintiffs reside in the State of California. It is not
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1 a requirement that every party provide their Driver's License in Diversity
2 Cases.
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4 8. Taitz is well aware of where Liberi resides. Taitz has called for her
5 supporters to commit certain acts where Liberi resides. Taitz has filed false
6 police reports against Liberi where Liberi resides; Taitz has harassed the
7 Probation Department where Liberi resides; Taitz has published repeatedly
8 Liberi's home address and telephone number as well as filed it with this
9 Court.
10

12 9. Taitz threatened to take me down and to do so she said she was going
13 to destroy Lisa Liberi, my paralegal, and get rid of her.
14

15 10. Liberi, for security reasons, will not provide Taitz her Driver's
16 License. Taitz has given Liberi's home address to a man who was convicted
17 of crimes against Liberi and her son, who a restraining order was pending
18 against and as a fact, Liberi was provided a confidential address for her and
19 her son's protection. Taitz will publish Liberi's Driver's License as she has
20 done with Liberi's Social Security number, date of birth, place of birth,
21 mother's maiden name, father's name, etc.
22

23 11. Liberi is a certified Paralegal. Liberi does not fundraise for me; she
24 does not access any of my financial accounts, does not have access to any of
25
26

1 my donor's credit card details and Liberi is not an Investigator. Liberi
2 researches the laws and drafts briefs accordingly.
3

4 12. Taitz continues claiming that she is a whistleblower and the public
5 had a right to know that Liberi was a career document forger and that Liberi
6 has been convicted of a crime, etc. Again, Liberi has never been convicted
7 of forging documents. Taitz fails to tell this Court she employed
8 approximately five (5) felons, some with convictions of forgery and others
9 with violent convictions. Charles Edward Lincoln, III has a felony
10 conviction(s); Larry Sinclair has felony convictions and served prison time;
11 Lucas Smith has felony convictions of forgery of identification documents
12 and Taitz filed a "forged" Kenyan Birth Certificate in President Obama's
13 name procured by Lucas Smith in Judge Carter's Court; and several other
14 felons; however, Taitz never disclosed any information pertaining to them.
15

16 13. The conduct of the Defendants, as outlined in Plaintiffs Complaint
17 and will be better outlined in Plaintiffs First Amended Complaint constitutes
18 cyber-stalking; cyber-bullying; cyber-harassment; invasion of privacy; and
19 other dangerous conducts. As a result, the Plaintiffs have suffered severe
20 damages.
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22 14. For the reasons outlined herein and in Plaintiffs Response in
23 Opposition, Memorandum of Points and Authorities in Support thereof and
24

1 my Declaration, Defendants Motion must be Denied and Plaintiffs should be
2 Granted Leave to Amend their Complaint.

5 I declare under the penalty of perjury of the Laws of the United States and
6 California that the foregoing is true and correct.

9 Executed this 5th day of May, 2011 in the Commonwealth of Pennsylvania,
10 County of Montgomery.

/s/ Philip J. Berg
Philip J. Berg, Esquire, Declarant